

February 25, 2005

SHARI COTES
25613 45th AVE SOUTH
KENT WA 98032

Subject: Complaint filed against Evelyn Castellar, School Director for Federal Way
School District No. 210 – PDC Case No. 05-075

Dear Ms. Cotes:

The Public Disclosure Commission (PDC) staff has completed its investigation of your complaint received on September 22, 2004, alleging Evelyn Castellar, a School Director for the Federal Way School District No. 210, spoke in favor of Referendum 55 at the September 14, 2004 board meeting, thereby using the school district's facilities to support a statewide referendum, in violation of RCW 42.17.130.

The PDC staff reviewed your allegations in light of the following statute and rule:

RCW 42.17.130 prohibits elected officials, their employees, and persons appointed to or employed by a public office or agency from using or authorizing the use of public facilities, directly or indirectly, for the purpose of assisting a candidate's campaign or for the promotion of, or opposition to, any ballot proposition. This prohibition does not apply to activities which are part of the normal and regular conduct of the office or agency. In addition, this prohibition does not apply to action by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as any required notice of the meeting includes the title and number of the ballot proposition, and members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view.

You alleged that Evelyn Castellar, Federal Way School board member, violated RCW 42.17.130 by speaking in favor of Referendum 55 at the September 14, 2004 board meeting.

We found:

- On December 9, 2003, the Federal Way School Board voted in favor of Resolution 2003-46, requesting the legislators from the 30th and 33rd Legislative Districts to work toward passing the Second Engrossed Substitute Senate Bill 5012 supporting charter schools.

- The September 14, 2004 Federal Way School Board agenda indicated, under the general business portion of the meeting, an opportunity for public comments, and school board member comments; however the agenda made no mention of discussion of R-55 or Charter Schools.
- The week prior to the September 14th meeting, Ms. Castellar asked Ed Barney, President of the Federal Way School Board, if she could place a resolution item on the agenda concerning R-55, but was turned down. Mr. Barney suggested to Ms. Castellar that the resolution in support of charter schools signed December 9, 2003 was sufficient, and recommended that Ms. Castellar remind the audience of the board's position in support of charter schools and provide general information concerning the last resolution.
- During the public comments portion of the September 14th meeting, Shannon Rasmussen, President of the Federal Way Education Association, spoke for approximately three minutes concerning a resolution her association passed in opposition to charter schools and R-55. Later in the same meeting, Ms. Castellar spoke for approximately five minutes during the school board member comments portion of the meeting noting the previous resolution supporting charter schools, and making further supportive comments concerning charter schools and R-55.
- At the next Federal Way School Board meeting held September 28, 2004, public notice was provided that the board would be making a decision regarding Resolution 2004-24 Referendum 55 – Charter Schools. The meeting minutes reflect that Resolution 2004-24 was discussed by all five board members, and that public comments were made by nine individuals.

Although Ms. Castellar should have confined her remarks to the 2003 resolution, given that Ms. Castellar attempted to place a resolution on the September 14th meeting agenda and followed the advice given to her by her board president, it does not appear that Ms. Castellar intended to deny the public an opportunity to present comments opposing R-55. Ms. Castellar will be cautioned that unless there is an agenda item to discuss a pending resolution, with proper notice given to the public, comments made at board meetings may not promote or oppose ballot propositions.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing your complaint against Evelyn Castellar, School Director for Federal Way School District No. 210.

Sincerely,

Vicki Rippie
Executive Director

c: Evelyn Castellar, School Director for Federal Way School District No. 210